



Patel

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 067183-0194

Applicant: Makiko SAITO
Title: AUCTION SYSTEM USING NETWORK AND AUCTION PROGRAM AS WELL AS STORAGE MEDIUM ON WHICH PROGRAM IS STORED
Application No.: 10/083,471
Filing Date: February 27, 2002
Examiner: Patel, Jagdish
Art Unit: 3624

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits, and within three (3) months of the mailing date of the foreign search report.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued August 31, 2004 with respect to a counterpart Japanese patent application is provided below.

Claims: 1 through 14
Cited Literature: 1 and 2

Remarks

To reduce optional transaction costs as an incentive to participants in order to promote transactions in an auction system is commonly conducted, for example, as indicated in Cited Literature 1. Moreover, generally, listing related products together with products targeted for purchase in an online shopping system or the like is an ordinary means in the relevant field (refer to (0041) and Fig. 19 of Cited Literature 2), and therefore listing related products together with products targeted for transaction in the invention described in aforementioned Cited Literature 1 is no more than something a person skilled in the art could arbitrarily implement as necessary. Furthermore, there is nothing unique in that the aforementioned transaction costs are limited to the shipping fees of the product.

Consequently, it is found that a person skilled in the art could easily realize the configuration related to Claims 1 through 14 of the present application based on the facts described or suggested in the cited literature and well-known commercial practices, etc.

If new reasons for rejection are discovered, notification of the reasons for rejection will be given.

List of Cited Literature

1. International Publication WO 00/077670 pamphlet
2. Japanese Unexamined Patent Application Publication H07-230502

Record of Prior Art Literature Search Results

Fields searched - G06F 17/60

Prior art literature

This Record of Prior Art Literature Search Results does not constitute a reason for rejection."

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

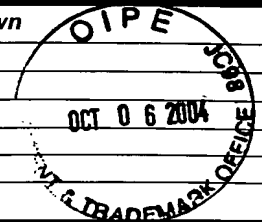
Date October 6, 2004

By Phillip J. Articola

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

Phillip J. Articola
Registration No. 38,819

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: October 6, 2004 <i>(use as many sheets as necessary)</i>	Complete if Known												
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Application Number</td> <td>10/083,471</td> </tr> <tr> <td>Filing Date</td> <td>02/27/2002</td> </tr> <tr> <td>First Named Inventor</td> <td>Makiko SAITO</td> </tr> <tr> <td>Group Art Unit</td> <td>3624</td> </tr> <tr> <td>Examiner Name</td> <td>Patel, Jagdish</td> </tr> <tr> <td>Attorney Docket Number</td> <td>067183-0194</td> </tr> </table>	Application Number	10/083,471	Filing Date	02/27/2002	First Named Inventor	Makiko SAITO	Group Art Unit	3624	Examiner Name	Patel, Jagdish	Attorney Docket Number	067183-0194
Application Number	10/083,471												
Filing Date	02/27/2002												
First Named Inventor	Makiko SAITO												
Group Art Unit	3624												
Examiner Name	Patel, Jagdish												
Attorney Docket Number	067183-0194												
Sheet 1 of 1													

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1	JP	7-230502		08/29/1995			
	A2	PCT	WO 00/77670		12/21/2000		ABS	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature	Date Considered	
--------------------	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.